

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-10218-RCL
)
JESSE WILSON)
)
)

SECOND ASSENTED TO MOTION TO CONTINUE DATE FOR
GOVERNMENT'S RESPONSE TO SUPPRESSION MOTION

The government hereby moves, with the oral assent of counsel for defendant Jesse Wilson, to continue the time within which it may file a written response to Wilson's Motion to Suppress until May 31, 2006 or two weeks after the attorney for the government receives a copy of the tape of the Brockton District Court plea hearing of witness Andrew Nelson, whichever is later. As grounds therefore, and as described in more detail below, the government states that it does not reasonably expect to receive a copy of the tape until at least sometime in May.¹

On March 15, 2006, Wilson filed his Motion to Suppress and the Court held a status conference. That same day, the attorney for the government contacted the case agent assigned to this matter and requested that a copy of the tape be obtained as quickly as possible. She contacted the Plymouth County District

¹ The importance of the tape to the Court's determination of Wilson's motion to suppress is set forth in the Government's first motion to continue, filed on April 3 (docket #18), and incorporated herein by reference.

Attorney's Office which, on March 17, 2006, ordered a copy of the tape from the Brockton District Court. At the time the government's request was made, there were already 30 other tape requests waiting to be filled.² As of April 22, there were still four requests ahead of the government's. The Sessions Clerk at the Brockton District Court advised that for each such request, she has to locate the recording, then send it to Boston where it is copied, certified and returned.³

The Sessions Clerk indicated that the tapes might be ready by May 1, but that will depend on how much time she has to devote to the tape requests and how much time it actually takes her to locate the specific tapes. She added that tape requests usually take 6-8 weeks to complete from the time they are requested.⁴ When the tapes are completed, the Clerk has to give them to the Assistant District Attorney who ordered them, who will then forward them to the government.

In order to avoid filing repeated motions, the government

² All information concerning the ordering of the tape and the status of that request was obtained by the attorney for the government from Patricia King, Sessions Clerk for the Brockton District Court, during a telephone conversation on April 22, 2006. Ms. King's duties include, among many other things, processing such tape requests.

³ She noted that a recent package of tapes she had sent to Boston for copying and certification had taken three weeks to receive back.

⁴ Eight weeks from the date of the government's request will be May 12.

now seeks a continuance to May 31, 2006, or two weeks after the attorney for the government receives a copy of the tape, whichever is later.⁵

The government has informed Wilson's attorney of the above information concerning the tape request, and he has orally advised that he assents to this motion for a continuance.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mark J. Balthazard
MARK J. BALTHAZARD
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 14, 2006.

/s/ Mark J. Balthazard
MARK J. BALTHAZARD
Assistant U.S. Attorney

⁵ When the tape is received, the government will notify Wilson's attorney and forward a copy of the tape to him.